

**CHIROPRACTIC EXAMINING BOARD
MADISON, WI
MINUTES
March 11, 2004**

PRESENT: Steven Conway (by telephone), Char Glocke, Susan Feith,
Wendy Henrichs, James Rosemeyer, James Weber

EXCUSED: None

STAFF PRESENT: Kimberly Nania; Jacquelynn Rothstein; Legal Counsel,
Gina York, Bureau Assistant, and Division of Enforcement
and other staff

GUESTS: Ron Hermes, WPTA; Bill Boissannault, WPTA
Rachel Schraufnagel, WCA

CALL TO ORDER

James Rosemeyer, Chair, called the meeting to order at 8:08 a.m. A quorum of 6 members was present.

AGENDA

Additions to the Agenda:

- Open Session, Under Consult with Legal Counsel: Add Discussion of Letter to Thurston
- Open Session, Under Informational Items: Add Legislative Report WCA
- Open Session: Change emergency rule items to read "Update on Status of Emergency Rule/Permanent Rule"

MOTION: Char Glocke moved, seconded by James Weber, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 18, 2003

Amendments to the Minutes:

None.

MOTION: James Weber moved, seconded by Susan Feith, to approve the minutes of December 18, 2004 as written. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 22, 2004

Amendments to the Minutes:

- Page 1: Remove the "d" should be Henrichs.
- Page 8: Under Anne Thatcher, remove Char Glocke as second in motion and replace with James Weber.

MOTION: Wendy Henrichs moved, seconded by Susan Feith, to approve the minutes of January 22, 2004 as amended. Motion carried unanimously.

**ADMINISTRATIVE REPORT
KIMBERLY NANIA**

Kimberly Nania, Bureau Director of Health Service Professions, shared with the Board that the Department has been working on new policies and procedures. At 9:00 a.m. today, Secretary Strong Hill, Patty Hoeft, and Sandra Rowe will present the roll out of the new procedures.

ROSTER DATED JANUARY 23, 2004 FOR BOARDS REVIEW

The Board reviewed the roster and Susan Feith requested to have her email address removed from the roster. This request will be forwarded to Roxanne Peterson to make this change.

PRESENTATION OF PROPOSED STIPULATIONS

There were no stipulations to be presented to the Board at today's meeting.

**SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES
AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Jacquelynn Rothstein, Legal Counsel, reviewed the report with the Board at today's meeting.

**STATUS OF SCOPE STATEMENT PERTAINING TO
QUALIFICATIONS FOR INSTRUCTORS**

Kimberly Nania, Bureau Director of Health Services, informed the Board that on March 10, 2004 Secretary Strong Hill has approved doing the scope statement for qualifications for instructors. This will be submitted by Pamela Haack, Paralegal and Jacquelynn Rothstein, Legal Counsel, will prepare the scope statement and provide a copy for the May 2004 meeting.

TITLE PROTECTION / DRAFT LANGUAGE WITH REVISIONS

Kimberly Nania reported to the Board regarding the status of this legislation. Dr. Nania shared that the request for legislation was submitted to Christopher Klein, Executive Assistant, on January 22, 2004 immediately after the last Board meeting. There was never a sponsor for this legislation and did not go forward. Wendy Henrichs spoke with Dr. Walker, WCA and she will put this item on their agenda and notify the Chiropractic Examining Board when this occurs. This legislation will be drafted and submitted for the next legislative session. The Board expressed its concern as to what will happen regarding this legislation for the next session and asked to have Mr. Klein come in to address the Board, Kimberly Nania did make the Board's request and if it is possible he will stop in. Dr. Nania shared that Mary Schlaefter, Deputy Secretary, will be developing a list of the legislation that did not make it through the last session and she will be in contact with Boards to allow each to have a chance to pitch their reasoning regarding their legislation.

UPDATE ON STATUS OF EMERGENCY RULE/PERMANENT RULE JACQUELYNN ROTHSTEIN

The Board received an update from Jacquelynn Rothstein, Legal Counsel, on the status of the emergency rule/permanent rule. Senator Roessler sent a letter to the Board that a hearing was held last week regarding the clean up rules. The emergency rules expire on March 23, 2004 and the Board shared their concern with Attorney Rothstein and asked what would happen. Steve Gloe, General Counsel, will send a letter to Senator Roessler 's Committee that the Board would be willing to work with them to reach an agreeable solution.

REVIEW CONTINUING EDUCATION REQUIREMENTS FOR CHIROPRACTIC

The Board discussed what direction they would like to go regarding CE requirements. Steven Conway did not participate in any of the discussions surrounding this topic. The Board explored the possible types of courses available and how many could be done via the internet, articles, etc.

MOTION: Susan Feith moved, seconded by Char Glocke to consider at the next meeting to allow an amount of the required CE's to be acquired through Internet courses. Steven Conway-Abstained. Motion carried.

MOTION: Susan Feith moved, seconded by Char Glocke to withdraw the previous motion regarding consideration of the amount of the required CE's to be acquired through Internet courses. Steven Conway –Abstained. Motion carried.

MOTION: Susan Feith moved, seconded by Char Glocke to develop a scope statement regarding the number of continuing education hours may be obtained through Internet courses. Steven Conway - Abstained. Motion carried.

MOTION: Susan Feith moved, seconded by Char Glocke to withdraw the previous motion regarding to develop a scope statement regarding the number of continuing education hours may be obtained through Internet courses. Steven Conway – Abstained. Motion carried.

The Board has a scope statement pending on the Department's Summary Report regarding Internet Courses for CE. This topic will be tabled to the next meeting. Jacquelynn Rothstein, Legal Counsel, will provide a hard copy of additional information and language other professions have already, to all Board members, in advance of the May 2004 Board meeting. Board members will bring their recommendations to this meeting.

FYI: ADMINISTRATIVE RULE REVISION FOR PHYSICAL THERAPY

Informational. The Board reviewed the copy of the revised Physical Therapy administrative rule provided at today's meeting. Ron Hermes, WPTA, shared with the Board specific portions of the language that is correct and clarified which portions of the language is not valid. He stated that this language is up for approval by the Physical Therapy Board and should be adopted on 3/17/04. If this happens as scheduled the rule would then go into effect by June 1, 2004.

PRECEPTOR APPROVAL

Julie Reimann, Credentialing, discussed with the Board how to handle preceptorship approvals in the months when the Board does not meet. There are schools which need to know more than 45 days prior to meet the needs of the school year. The Board also reviewed the preceptors submitted for approval and took the following actions.

MOTION: James Weber moved, seconded by Susan Feith, to approve Michael Saatkamp, Daniel Strong, and Russell Hauser as preceptors. Motion carried unanimously.

MOTION: James Weber moved, seconded by Susan Feith, to delegate Wendy Henrichs as the Board liaison for preceptorships in those months when the Board does not meet. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

Julie Reimann had submitted one preceptor, Joshua Cleveland, for approval by the Board after the mailing of the agenda. During the Board's review it was discovered that the request was submitted for approval before the person was eligible to be a preceptor (licensed July 22, 1999). Julie Reimann will notify him that he does not qualify at this time.

CORRESPONDENCE: NBCE REGARDING SUPPORT BOARD MEMBERS TO ATTEND MAY 2004 PART IV EXAM ADMINISTRATION

Kimberly Nania shared with the board this correspondence and informed them that if anyone is interested in participating to contact her. She reminded board members that if they participated they could not receive an honorarium for this function. No one expressed an interest at today's meeting.

CORRESPONDENCE: FROM ERCHONIA REGARDING LOW-LEVEL LASERS AND ADDITIONAL INFORMATION

The Board discussed the correspondence from Erchonia regarding low-level lasers. Steven Conway secluded himself from the discussion. After much discussion and consideration the Board took the following action(s).

MOTION: James Weber moved, seconded by Wendy Henrichs, to develop a scope statement regarding the use of cold and/or low-level laser treatment and to identify the education requirements. Steven Conway- Abstained. Motion carried.

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to request legal counsel to prepare an opinion for the practice question regarding cold and/or low-level laser treatment whether it is within the scope of practice for review by the Board at their May 2004 meeting. Steven Conway- Abstained. Motion carried.

MOTION: James Weber moved, seconded by Wendy Henrichs, to table the motion regarding the scope statement for cold and/or low-level laser treatment to the next meeting. Steven Conway- Abstained. Motion carried.

NOMINATIONS FOR THE 2004 ARVIDSON AWARD AND THE 2004 OUTSTANDING BOARD AWARD

Noted.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

No inquiries for this month's meeting. The Board asked regarding the status of the response requested by the Board at the January meeting, for specific information regarding Gregory Thruston, DC. Jacquelynn Rothstein will have to check into this request and will contact Susan Feith and let her know the status of the response to Dr. Thruston and the information request.

INFORMATIONAL ITEMS

Noted.

VISITOR COMMENTS

Noted.

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.) - 11:00 am

MOTION: Steven Conway moved, seconded by Wendy Henrichs, to to convene to Closed Session to deliberate on cases involving hearings, monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports. Motion carried by roll call vote: James Rosemeyer-yes; Char Glocke-yes; Susan Feith-yes; Steven Conway-yes; James Weber-yes.. Motion carried unanimously.

Open session recessed at 12:40 p.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: James Weber moved, seconded by Wendy Henrichs, to reconvene to open session at 3:35 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF
VOTING IS APPROPRIATE**

**WCA LAWSUIT UPDATE AND FOLLOW UP WITH LEGAL COUNSEL REGARDING
RESPONSES PROVIDED TO AAG BRUCE OLSON - JACQUELYNN ROTHSTEIN**

Jacquelynn Rothstein, Legal Counsel updated the Board regarding the WCA Lawsuit.

MONITORING

**ATTORNEY REQUEST FOR GUIDELINES
RICHARD GOLDE**

MOTION: Steven Conway moved, seconded by James Weber, to request monitoring to send a letter to Dr. Golde's attorney informing him that the Board believes that Dr. Golde's offenses were so egregious that it suggests his rehabilitation is not in the foreseeable future. Motion carried unanimously.

**REVIEW OF DOCUMENTS
RICHARD HORAITIS**

MOTION: James Weber moved, seconded by Susan Feith, that Monitoring will notify Dr. Horaitis that he must have a counter sign displayed in a prominent area and to he needs to revise the manual so that all places where a male doctor is written his name should be inserted. Motion carried unanimously.

**DELIBERATION OF MONITORING ISSUES THAT MAY BE RECEIVED AFTER
MAILING OF AGENDA**

**REQUEST FOR EXTENSION TO ATTEND SEMINAR
MICHAEL R. LA BLANC**

MOTION: Steven Conway moved, seconded by Char Glocke, to request monitoring to notify Dr. LaBlanc he is in violation of the Board Order and to refer to DOE. Motion carried unanimously.

**APPROVAL OF MENTOR
JOHN T. ADERHOLDT**

MOTION: James Weber moved, seconded by Steven Conway, to request Dr. Aderholdt to submit to monitoring a name of a chiropractor that he is not related to or is a friend and to grant Dr. Rosemeyer the authority to approve his mentor. Motion carried unanimously.

APPLICATION REVIEW BY REINSTATEMENT – MARK LUELL, DC

MOTION: James Weber moved, seconded by Wendy Henrichs, to approve the application by reinstatement for Mark Luell, D.C. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER
MAILING OF AGENDA**

There were no stipulations before the Board at today's meeting.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS RECEIVED
AFTER MAILING OF AGENDA**

None.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

MOTION: James Weber moved, seconded by Susan Feith, to close case **02 CHI 057** for insufficient evidence. Motion carried unanimously.

MOTION: Susan Feith moved, seconded by Wendy Henrichs, to close case **03 CHI 032** for insufficient evidence. Motion carried unanimously.

MOTION: James Weber moved, seconded by Wendy Henrichs, to close case **03 CHI 002** for insufficient evidence. Motion carried unanimously.

MOTION: James Weber moved, seconded by Steven Conway, to close case **01 CHI 048** for P2, compliance gained. Motion carried unanimously.

MOTION: Steven Conway moved, seconded by Susan Feith, to close case **02 CHI 078** for no violation. Motion carried unanimously.

MOTION: Wendy Henrichs moved, seconded by Susan Feith, to not close case **99 CHI 062**. The Board moved to request that a stipulation be issued to include the requirement of 12 credits of continuing education in recordkeeping and a reprimand be issued. James Weber – Abstained. Motion carried.

MOTION: Susan Feith moved, seconded by Wendy Henrichs, to not close case **99 CHI 060**. The Board moved to postpone a decision until the May 2004 meeting. Steven Conway – Abstained. Motion carried.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Jacquelynn Rothstein, Legal Counsel throughout the meeting as needed.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: James Weber moved, seconded by Wendy Henrichs, to adjourn the meeting at 3:44 p.m. Motion carried unanimously.

NEXT MEETING:

May 13, 2004

